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OFFICE OF PETITIONS

In re Application of :
Frank Labedz, et. al. :
Application No. 09/592,686 : **ON PETITION**
Filed: June 13, 2000 :
Attorney Docket No. 2014.63689 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 20, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight July 20, 2004.

In response, petitioner submitted with the instant petition \$750 for the petition to revive fee, and a Request for Continued Examination (RCE), along with the fee of \$395.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition is **GRANTED**.

The application file is being forwarded to Technology Center Art Unit 2157, for processing the Request for Continued Examination under 37 CFR 1.114, and for further review of the previously submitted amendment filed June 1, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy